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requested in view of the foregoing amendments to the claims, and the remarks which follow.

Claims 11 and 12 have been amended, support for the amendment to claim 11 being found at page 2, lines 11-12. No new matter is thought to be introduced thereby.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claim 12 is objected to based on a misspelling of the word "the". The misspelled word has been corrected per the Examiner's suggestion.

Claims 11-13, 16-18, 21, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Carduck et al (US 5,554,741). This rejection is respectfully traversed for the following reasons.

Initially, Applicant would like to note that it is well settled that a factual determination of anticipation requires the disclosure, in a single reference, of every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, In re Levy, 17 USPQ2d 1561 (Bd. Pat. App. & Inter. 1990).

Applicant respectfully submits that the Carduck reference fails to anticipate the claimed invention on the grounds that it fails to disclose each and every element thereof. More particularly, the present invention involves the use of an aqueous glucose syrup to be mixed with a fatty alcohol. The Carduck reference, on the other hand, **requires** that its

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suspension be free of water. Consequently, since the use of an aqueous glucose syrup is not disclosed by the Carduck reference, it cannot serve to anticipate Applicant's claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carduck et al. (US 5,554,741). This rejection is respectfully traversed for the following reasons.

Applicant would like to note that it is clear in the law that, to establish a prima facie case of obviousness under 35 U.S.C. 103 based upon a single reference, the Office must show an art-recognized motivation to modify the reference in the manner asserted by the Office. See, In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Applicant respectfully submits that the Carduck reference fails to render the claimed invention prima facie obvious on the grounds that it fails to contain any teaching or suggestion which would motivate one of ordinary skill in the art to employ an aqueous glucose syrup in its process rather than removing any water which may be present in the glucose syrup. Clearly, the removal of water from both the glucose syrup and fatty alcohol suspension is a required element of Carduck's invention.

It is well settled that one important indicium of non-obviousness is the teaching away from the claimed invention by the prior art. See, In re Braat, 16 USPQ2d 1812 (Fed. Cir. 1990). Applicant respectfully submits that based on Carduck's clear teaching that

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water be removed from the glucose syrup, this reference serves to establish the non-obviousness of Applicant's invention by clearly teaching away therefrom. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. A Notice of Allowance is therefore earnestly requested.

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,



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